

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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GVCL VENTURES, INC.,

Plaintiff,

VS.

GoPetFriendly.com, LLC, et al.,

Defendants.

2:16-cv-02892-JAD-VCF

**ORDER GRANTING ENLARGEMENT OF
TIME TO SERVE**

Before the Court is the Motion to Extend Time for Service of Complaint (ECF No. 9). Plaintiff seeks to extend the time in which to effectuate service under Federal Rule of Civil Procedure 4(m) by 45 days and to serve the Complaint and Summons on GoPetFriendly.com, LLC by publication. *Id.*

Service By Publication

Pursuant to Fed. R. Civ. P. 4(e)(1), “an individual – other than a minor, an incompetent person, or a person whose waiver had been filed – may be served in a judicial district of the United States by following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Under Rule 4(e)(1) of the Nevada Rules of Civil Procedure, “when the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or judge thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, and that the defendant is a necessary or proper party to the action, such court or judge may grant an order that the service be made

1 by the publication of summons.” GoPetFriendly.com is a company that is domiciled in Pennsylvania.
2 Under the Pennsylvania Rules of Civil Procedure 430(b)(1),
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4 If service of process by publication has been authorized by rule of civil procedure
5 or order of court, the publication shall be by advertising a notice of the action once
6 in the legal publication, if any, designated by the court for the publication of legal
7 notices and in one newspaper of general circulation within the county.

8 GVCL asserts that the after diligent effort, it is unable to serve GoPetFriendly.com, LLC within
9 the state of Nevada and Pennsylvania. (ECF No. 9 at 3). In support of this assertion, GVCL provided the
10 court with an affidavit of attempted service. *Id. at 8*. The last known addresses for GoPetFriendly.com,
11 LLC is 74 Spring Meadow Drive, Weatherly, PA 18255. *Id.* Service at this address was unsuccessful.
Id.

12 The court finds that pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1), permitting
13 service by publication of the Summons and Complaint is warranted. The publication must be made in a
14 newspaper, published in the State of Nevada and Pennsylvania, for a period of 4 weeks, and at least once
15 a week during said time. *See* Nev. R. Civ. P. 4(e)(1)(iii), Pa. R. Civ. P. 430(b)(1).

16 **Extension For Service**

17 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
18 If “the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
19 must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

20 The last day to effectuate service on GoPetFriendly.com, LLC was March 14, 2017. Fed. R. Civ.
21 P. 4(m). GVCL asserts that an additional 45 days is required to effect service by publication, and asks
22 this court to extend the 4(m) deadline. *Id.*

23 Given that GVCL has demonstrated “good cause” for its failure to effectuate service and has
24 provided support for its request for an extension, the court will extend the 4(m) deadline until June 12,
25 2017. *See* Fed. R. Civ. P. 4(m).

1 Accordingly, and for good cause shown,

2 IT IS HEREBY ORDERED that Motion to Extend Time for Service of Complaint (ECF No. 9) is
3 GRANTED.

4 IT IS FURTHER ORDERED that GVCL is permitted to serve GoPetFriendly.com, LLC by
5 publication. A copy of the Summons and Complaint must be mailed to GoPetFriendly.com, LLC at its
6 last known address(es) by certified U.S. Mail, return receipt requested.

7 IT IS FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 4(e)(1) and Nev. R. Civ. P. 4(e)(1)(i)
8 and (iii), and Pa. R. Civ. P. 430(b)(1), the Summons in this action must be served by publication in a
9 newspaper, published in the state of Nevada and the state of Pennsylvania, for a period of four weeks and
10 at least once a week during that time.

11 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
12 including June 12, 2017.

13 DATED this 26th day of April, 2017.

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15 CAM FERENBACH
16 UNITED STATES MAGISTRATE JUDGE
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